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October 3, 2018

**Via ECF**

Hon. J. Paul Oetken, United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Courtroom 706  
New York, New York 10007

Re: CMG Holdings Group, Inc. v. Joseph Wagner, et al.  
15-cv-05814-JPO

Dear Judge Oetken:

Edwards Pottinger LLC and Stone Magnanini LLP (collectively “Counsel”) represent Plaintiff and Third-Party Defendants in this action. Counsel hereby request, pursuant to paragraph 3(C) of your Honor’s Individual Practices in Civil Cases, an informal telephonic conference with the Court on or before October 10, 2018 to request appropriate relief from the scheduling order, including an extension of time for depositions and other deadlines under the Scheduling Order (Dkt. 101), based on the extraordinary circumstances discussed herein. Contemporaneous with this letter motion, Counsel have filed a motion to withdraw, under seal with Magistrate Judge Aaron.

Plaintiff and Third-Party Defendants consent to Counsel’s request to withdraw and support the request for a limited stay of the litigation to afford them an opportunity to hire new counsel. Counsel for Plaintiff and Third-Party Defendants advised Defendants’ counsel of the relief requested herein before filing this letter motion.

Plaintiff respectfully requests that the Court stay the action now, before the parties take additional depositions, to preserve the status quo in the action, and to afford an opportunity for Plaintiff and Third-Party Defendants to retain substitute counsel.

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Counsel for Plaintiff and Third-Party Defendants respectfully request that the Court stay the instant action for thirty days to permit the Court to adjudicate counsel's forthcoming motion to withdraw pursuant to Local Civil Rule 1.4 and to afford Plaintiff and Third-Party Defendants an opportunity to obtain new counsel. The case is currently not set for trial. There is no prejudice that Defendants would suffer by a thirty day stay of this action which preserves the status quo and which permits the parties to resume and complete discovery upon the expiration of any stays, the evaluation of the legal proceedings at that time, and pursuant to any applicable scheduling order.

The Scheduling Order (Dkt. 101) provides a deposition deadline of October 19, 2018. Plaintiff requests that the Court extend all deadlines coextensive with the stay. Plaintiff previously requested relief from the operative scheduling orders on two occasions, through docket entry numbers 54 and 68 respectively. Consequently, the Court entered revised scheduling orders at docket entry numbers 60 and 70 respectively, granting in substantial part the relief that Plaintiff had requested. In addition, counsel for Plaintiff and Third-Party Defendants request that the Court adjourn the status conference presently scheduled for October 26, 2018 to November 30, 2018.

Between September 13 and 21, counsel for Plaintiff and Third-Party Defendants took four depositions of Defendants. Additional depositions would need to be taken before October 19, 2018. Given the conflicts current counsel cannot effectively take additional discovery, including depositions. Accordingly, Plaintiff respectfully requests that the Court hold an informal telephonic conference before Plaintiff's counsel travels to New York for additional depositions.

For the foregoing reasons, Counsel respectfully request that the Court grant its motion to withdraw as counsel of record for Plaintiff and Third-Party Defendants and briefly continue the scheduled dates in the case.

We look forward to discussing these issues with the Court and Defendants' counsel.

Very truly yours,

*Seth Lehrman*

Seth Lehrman

cc: Scott Matthews, Esq. (Via ECF)  
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